

## INTERNATIONAL TRADE REGULATION

Volume III

2006/2007

Professor Michael Trebilcock

BORA LASKIN LAW LIBRARY

AUG 2 9 2006

FACULTY OF LAW

HAVERSHIY OF TORONTO

# INTERNATIONAL TRADE REGULATION

Volume III

2006/2007

Professor Michael Trebilcock

# INTERNATIONAL TRADE REGULATION 2006

#### Professor Michael Trebilcock

#### TABLE OF CONTENTS

Mi	chael .	J. T	rebilo	ock	and	Robert	Ho	wse, I	Regulatio	on of	Interna	tional	Trade,	3nd e	d
$\sigma$	1	•	3. T	3.7	1 10	.1 1		2005)	01 4	1					

1) The Evolution of Trade Theory and Policy

(London and New York: Routledge, 2005), Chapter 1	
Dani Rodrik, "Sense and Nonsense in the Globalization Debate," (Summer 1997)  Foreign Policy 19	1-1
Chapter 25, "Who is 'Us'?" in R. Reich, <i>The Work of Nations</i> (New York: Vintage, 1991)	1-9
Paul Krugman, "Competitiveness: A Dangerous Obsession," (1994) 73 (2) Foreign Affairs 28	1-17
Michael Hart, A Trading Nation, (Vancouver and Toronto: UBC Press, 2002), Chapter 16	1-22
Larry Elliott, "Shadow of Guillotine Looms Over Trade Deal," Economist, <i>The Guardian</i> (8 May 2006)	1- 2
WTO-Ministerial Declaration initiating Doha Round, 14 Nov. 2001	1-3
2) Dispute Settlement and Treaty Interpretation	
Trebilcock and Howse, Chapter 4	
Kara Leitner and Simon Lester, "WTO Dispute Settlement 1995-2005: Statistical Analysis," Journal of International Economic Law 7 (2006): 219-231	2-1
WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," in <i>The WTO Dispute Settlement Procedures</i> (Geneva: World Trade Organization, August 1995)	2-14
W.F. Schwartz and A.O. Sykes, "The Economic Structure of Renegotiation and Dispute Resolution in the World Trade Organization" 31 J. Legal Stud. 179.	2-34
D. McRae, "What is the Future of WTO Dispute Settlement?" 7(1) Journal of International Economic Law 3.	2-5

P. Sutherland, et al, "The Future of the WTO: Addressing Institutional Challenges in the New Millenium" (Geneva: World Trade Organization, 2004) at 49 (Chapter 6).	2-70
William F. Davey, "The Sutherland Report on Dispute Settlement: A Comment," Journal of International Economic Law 8(2): 321-29	2-81
Ernst-Ulrich Petersmann, "Addressing Institutional Challenges to the WTP in the New Millennium: a Longer-Term Perspective," Journal of International Economic Law 8(3): 647-665	2-89
3) Non-Discrimination: The Most Favoured Nation Principle	
Trebilcock and Howse, Chapters 2 and 6	
Raj Bhala, "The Bananas War," (2000) McGeorge Law Review, University of the Pacific 31(4), 843-971	3-1
4) Non-Discrimination: The National Treatment Principle	
Trebilcock and Howse, Chapter 3	
Michael J. Trebilcock and Shiva K. Giri, "The National Treatment Principle in International Trade Law," in E. Kwan Choi and James C. Hartigan (eds.), Handbook of International Trade: Economic and Legal Analyses of Trade Policy and Institutions Vol. II (Oxford: Blackwell Publishing, 2005) at 185.	4-1
5) Anti-Dumping Laws	
Trebilcock and Howse, Chapter 8	
Jorge Miranda, "Should Anti-Dumping Laws be Dumped?" (1996) 28 Law and Policy International Business 255	5-1
Alan Sykes, "The Economics of 'Injury' in Anti-Dumping and Countervailing Duty Cases," in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 83.	5-11
Ronald Cass and Michael Knoll, "The Economics of 'Injury' in Anti-Dumping and Countervailing Duty Cases: A Reply to Professor Sykes," in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 126	5-25
WTO-United States - Anti-Dumping Act of 1916, Report of the Appellate Body (2000)	5-30
WTO: United States - Continued Dumping and Subsidy Offset Act of 2000, Appellate Body Report Summary (2002).	5-54

WTO: United States - Continued Dumping and Subsidy Offset Act of 2000, Recourse to Arbitration by the United States under DSU Article 22.6 Summary (2004).	5-7
6) Subsidies and Countervailing Duties	
Trebilcock and Howse, Chapter 9	
Robert Howse, "Settling Trade Remedy Disputes: When the WTO Forum is Better than the NAFTA," C.D. Howe Institute Commentary (1998)	6-1
Certain Softwood Lumber Products from Canada, Decision of the Binational Panel of Remand (1993)	6-14
Certain Softwood Lumber Products from Canada, Extraordinary Challenge Committee (1994), views of Dissenting Member Wilkey	6-33
"Indepth: Softwood Lumber Dispute," CBC News Online (28 April 2006), http://www.cbc.ca/news/background/softwood_lumber/.	6-38
Kathleen Macmillan, "Administering the Softwood Lumber Agreement: The Case for Tax-Only Export Measures," C.D. Howe Institute e-brief (31 May 2006), http://www.cdhowe.org/pdf/ebrief_28.pdf.	6-43
Michael J. Trebilcock, "Brazil-Canada Aircraft Subsidies in Dispute: The Definition of Export Subsidies and Remedies," <i>Canadian Competition Record</i> 20(2) (Fall 2000) 32	6-48
WTO: United States - Subsidies on Upland Cotton, Appellate Body Report Summary (2004).	6-52
7) Safeguards and Adjustment Assistance	
Trebilcock and Howse, Chapter 10	
A. Sykes, "The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute" 2004 7 Journal of International Economic Law 523.	7-1
WTO-United States - Safeguard Measures on Imports of Fresh, Chilled, and Frozen Lamb Meat from New Zealand and Australia, Report of the Appellate Body (2001)	7-26
WTO-United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities, Report of the Appellate Body (2000)	7-83
8) Trade in Services	
Trebilcock and Howse. Chapter 12	

WTO, GATS — Fact and Fiction (2001), a booklet published by the WTO Secretariat	8-1
WTO-European Communities – Regime for the Importation, Sale, and Distribution of Bananas, Report of the Appellate Body (1997)	8-18
WTO-Canada – Certain Measures Affecting the Automotive Industry, Report of the Appellate Body (2000)	8-41
Aaditya Mattoo and Sacha Wunsch-Vincent, "Pre-Empting Protectionism in Services: the GATS and Outsourcing," <i>Journal of International Economic Law</i> 7(4): 765-800	8-110
9) Trade-Related Intellectual Property Rights (TRIPS)	
Trebilcock and Howse, Chapter 13	
WTO-Canada - Term of Patent Protection, Report of the Appellate Body (2000)	9-1
WTO-Canada - Patent Protection of Pharmaceutical Products, Report of Panel (2000)	9-17
WTO – "Declaration on the TRIPS Agreement and Public Health," Ministerial Declaration, WT/MIN (01)/DEC/W/2, 14 November 2001	9-47
WTO – "Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health," Decision of the General Council, WT/L/540, 8/30/2003	9-49
Alan Sykes, "TRIPS, Pharmaceuticals, Developing Countries and the Doha 'Solution," Chicago Journal of International Law 3 (2002): 47-68	9-54
United Nations – Economic, Social and Cultural Rights: The Impact of the Agreement on Trade Related Aspects of Intellectual Property Rights on Human Rights, Report of the High Commissioner, UN Commission on Human Rights (June 2001)	9-66
10) Trade-Related Investment Measures (TRIMS)	
Trebilcock and Howse, Chapter 14	
Stephen Clarkson, "Systemic or Surgical? Possible Cures for NAFTA's Investor-State Dispute Process," Canadian Business Law Journal 36 (2002): 368-87	10-1
Howard Mann, "The Final Decision in Methanex v. United States: Some New Wine in Some New Bottles," International Institute for Sustainable Development (August 2005):	10-11
Julie Soloway, "NAFTA's Chapter 11: Investor Protection, Integration, and the Public Interest," in John Kirton & Peter Hajnal, eds., Sustainability, Civil Society and International Governance: Local, North American and Gloval Contributions (Ashgate: Hampshire 2006): 137-176.	10-26

Chris Tollefson, "NAFTA's Chapter 11: The Case for Reform," in John Kirton & Peter Hajnal, eds., Sustainability, Civil Society and International Governance: Local, North American and Gloval Contributions (Ashgate: Hampshire 2006): 177-190.	10-46
11) Trade and Environmental Standards	
Trebilcock and Howse, Chapter 16	
WTO-United States – Import Prohibition of Certain Shrimp and Shrimp Products, Report of the Appellate Body (1998)	11-1
WTO-United States - Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia (2002)	11-45
WTO-European Communities – Measures Affecting Asbestos and Asbestos- Containing Products, Report of the Appellate Body (2000)	11-98
12) Agriculture and Sanitary and Phytosanitary Measures	
Trebilcock and Howse, Chapters 7 and 11	
NAFTA – Tariffs Applied by Canada to US-Origin Agricultural Products, Final Report of the Panel (1996).	12-1
Michael Trebilcock and Julie Soloway, "International Trade Policy and Domestic Food Safety Regulation: The Case for Substantial Deference by the WTO Dispute Settlement Body Under the SPS Agreement," in Daniel L.M. Kennedy and James D. Southwick (eds.), The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec (Cambridge: Cambridge University Press, 2002) 537-74	12-26
Daniel A. Farber, "The Case Against Clarity," in Daniel L.M. Kennedy and James D. Southwick (eds.), The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec (Cambridge: Cambridge University Press, 2002) 575-82	12-46
WTO-EC Measures Concerning Meat and Meat Products (Hormones), Report of the Appellate Body (1997)	12-51
Heather Stewart, "Poorest Farmers Get No Harvest from WTO," <i>The Observer</i> (30 May 2006)	12-105

### 13) Trade and Developing Countries

Trebilcock and Howse, Chapter 15

United Nations Development Programme, Making Global Trade Work for People, (London and Sterling, VA: Earthscan, 2003) 21-104	13-1
WTO - European Communities - Conditions for the granting of Tariff Preferences to Developing Countries, Report of the Appellate Body (2004) [EU-India dispute]	13-83
14) Trade, Labour Standards and Human Rights	
Trebilcock and Howse, Chapter 17	
A. Sykes, "International Trade and Human Rights: An Economic Perspective" John M. Olin Law and Economics Working Paper No. 188 (2d Series), The Law School at the University of Chicago, May 2003.	14-1
S. Cleveland, "Human Rights Sanctions and International Trade: A Theory of Compatibility" 5(1) Journal of International Economic Law 133.	14-34
J. Bhagwati, In Defense of Globalization (Oxford: Oxford University Press, 2004), chapters 6, 7 and 10.	14-63
Appendix	
The General Agreement on Tarriffs and Trade	A-2

